

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Case No.

THOMAS SIGNORELLI,

JUDGE BAER

Plaintiff, 07 CIV 8225

COMPLAINT

-against-

SENEX SERVICES CORP.

Defendant.

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Plaintiff, by and through his attorneys, FAGENSON & PUGLISI, upon knowledge as to himself and his own acts, and as to all other matters upon information and belief, brings this complaint against the above-named defendant and in support thereof alleges the following:

INTRODUCTION

1. This is an action for damages brought by an individual consumer and on behalf of a class for defendant's violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, *et seq* which prohibits debt collectors from engaging in abusive, deceptive and unfair acts and practices.

PARTIES

2. Plaintiff is a natural person residing in the County of New York, City and State of New York and is a consumer as defined by the FDCPA, § 1692a(3) .

3. Upon information and belief, defendant is a debt collector, as defined pursuant to 15 U.S.C. § 1692a (6), with its principal place of business in Indiana.

JURISDICTION AND VENUE

4. This Court has jurisdiction and venue pursuant to 15 U.S.C. § 1692k(d) (FDCPA) and 28 U.S.C. § 1331.

AS AND FOR A FIRST CAUSE OF ACTION

5. Plaintiff re-alleges paragraphs 1 to 4 as if fully re-stated herein.

6. That on information and belief, sometime in 2005 defendant commenced the collection of an alleged debt incurred for personal purposes to St. Vincent Hospital . On information and belief, defendant commenced reporting the alleged delinquent debt to credit reporting agency, Experian in 2005.

7. That plaintiff obtained a copy of his Experian credit report containing defendant's delinquent report. Thereafter, plaintiff consulted with Concetta Puglisi, Esq., of the law firm of Fagenson & Puglisi. Ms. Puglisi then sent a letter to defendant on or about March 6, 2007. A copy of this letter is attached hereto as Exhibit "1". In the letter Ms. Puglisi advised defendant that she represents plaintiff and that plaintiff was disputing the debt defendant was attempting to collect. Ms. Puglisi also advised defendant in the letter that defendant should not contact plaintiff directly regarding this debt.

8. That notwithstanding said communication from plaintiff's attorney, defendant sent a letter dated April 16, 2007 regarding the said debt directly to plaintiff at his residence in New York County. Said letter was received by plaintiff. A copy of this letter is attached hereto as Exhibit "2".

9. That said letter to plaintiff constitutes improper direct contact with plaintiff with full knowledge that he is represented by counsel in the matter and is in violation of the FDCPA, including but not limited to § § 1692c(a)(2) and 1692c(c).

AS AND FOR A SECOND CAUSE OF ACTION

10. Plaintiff re-alleges paragraphs 1-9 as if fully re-stated herein.

11. That Ms. Puglisi's aforesaid letter to defendant, in addition to informing of the dispute of the debt, requested that defendant delete or correct any negative entry which may have been reported to any credit reporting agency in accordance with the Fair Credit Reporting Act.

12. That defendant has failed to delete the negative entry on plaintiff's credit report and, further, has failed to place a notation that the debt is disputed, as required to be done by the Fair Credit Reporting Act. Defendant has thus violated the FDCPA § 1692e(8) by communicating credit information which is known or should be known to be false, including the failure to communicate that a disputed debt is disputed.

AS AND FOR A THIRD CAUSE OF ACTION

13. Plaintiff re-alleges paragraphs 1-12 as if fully re-stated herein.

14. That by reason of the defendant's aforesaid violations of the FDCPA the plaintiff was confused and suffered stress, anxiety and emotional distress.

WHEREFORE, plaintiff respectfully prays that judgment be entered against the defendant as follows:

- (a) statutory damages pursuant to 15 U.S.C. § 1692k in an amount to be determined at the time of trial;
- (b) reasonable attorney's fees, costs and disbursements pursuant to 15 U.S.C. § 1692k ; and
- (c) for such other and further relief as may be just and proper.

DEMAND FOR TRIAL BY JURY

Plaintiff requests trial by jury on all issues so triable.

Dated: New York, New York
September 17, 2007.



NOVLETTE R. KIDD, ESQ. (NK2552)
FAGENSON & PUGLISI
Attorneys for Plaintiff
450 Seventh Avenue, Suite 3302
New York, New York 10123
Telephone: (212)268-2128

EXHIBIT "1"

FAGENSON & PUGLISI**ATTORNEYS AT LAW**

450 SEVENTH AVENUE
SUITE 3302
NEW YORK, NEW YORK 10123

LAWRENCE M. FAGENSON**CONCETTA PUGLISI****NOVLETTE R. KIDD****TELEPHONE: (212) 268-2128**
FAX: (212) 268-2127

Senex Services Corp
3500 Depauw Blvd. Suite 305
Indianapolis, IN 46268

March 6, 2007

Re: Tom Signorelli
Creditor: St. Vincent Hospital
Acct. #: D1153090N1

Dear Sir/Madam:

Please be advised that Fagenson & Puglisi represents Tom Signorelli. Mr. Signorelli disputes the debt you are attempting to collect.

Please provide this office with documentation supporting your claim. Do not contact our client directly. Delete or correct any negative entry which you may be reporting to the credit reporting agencies in accordance with the Fair Credit Reporting Act.

Please note that Fagenson & Puglisi is not authorized to accept Service of Process on behalf of any client.

Should you have any questions please contact the undersigned.

Very truly yours,
FAGENSON & PUGLISI


CONCETTA PUGLISI

CP/mp
cc: Tom Signorelli

EXHIBIT "2"

3500 DePauw Blvd., Suite 3050
Indianapolis, IN 46268-6135

ADDRESS SERVICE REQUESTED

April 16, 2007

Phone: 888-577-7056

OR 317-613-3005

Fax: 317-613-3013

PERSONAL & CONFIDENTIAL

Thomas Signorelli
PO BOX 230242
New York, NY 10023-0005

Account Originator: St. Vincent Hospital
Client Reference No.: 1001371963
Senex Account No.: D1153090N1

Total Due: **\$20.00**

Dear Thomas Signorelli:

Thank you for your recent correspondence. We have investigated your credit reporting dispute and determined it fails to meet certain requirements for the following reason:

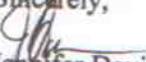
A You have failed to provide sufficient information to investigate the disputed information
 Please identify the specific information being disputed
 Please explain the basis for your dispute
 Please provide documentation to support your dispute

B This appears to be a duplication of a previously reviewed dispute

If (A) above is checked, you may resubmit your dispute with the additional information noted.

If you have any further questions, feel free to contact us at the number below.

Sincerely,


Jennifer Davidson
Compliance Coordinator

THIS COMMUNICATION IS FROM A DEBT COLLECTOR, IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Please direct correspondence to:
Senex Services Corp.

3500 DePauw Blvd., Suite 3050 * Indianapolis, IN 46268-6135

1-317-613-3005 * Toll Free 1-888-577-7056

CALL CENTER HOURS: Monday - Thursday 8:30 a.m. - 9:00 p.m.; Friday 8:00 a.m. - 5:00 p.m. EST
www.senexco.com